

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK

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UNITED STATES OF AMERICA

-v-

08 cr 482 (PKC)

SEREFINO MENDOZA
Defendant(s).

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CASTEL, District Judge:

ORDER

On or about January 13, 2010 , Serefino Mendoza (“Defendant”) was sentenced principally to a term of imprisonment of 219 months following his plea of guilty to charges relating to Conspiracy to Commit Hobbs Act Robbery, Hobbs Act Robbery and Possessing and Brandishing a Firearm. The Defendant’s sentencing guidelines range was 135 to 168 months imprisonment on Counts 1 and 2 plus 84 months on Count 3 based on an offense level of 31 and a criminal history category of III. The Bureau of Prisons currently projects that the Defendant will be released from prison on February 3, 2024.

Effective November 1, 2023, in its Amendment 821, the United States Sentencing Commission (“Sentencing Commission”) amended the United States Sentencing Guidelines Manual in two respects. Part A amends Guidelines § 4A1.1, by reducing from two (2) points to one (1) point the upward adjustment for offenders who committed the instant offense while under any criminal sentence, and by limiting this adjustment to defendants who received seven (7) or more criminal history points. Part B, in the part relevant here, amends Guidelines § 4C1.1, by providing a 2-level offense level reduction for offenders with zero (0) criminal history points who meet specified eligibility criteria. The Sentencing Commission made these amendments

Mailed to Mr. Mendoza on 11/16/2023

retroactive effective November 1, 2023. Defendants whose requests are granted by the courts can be released from prison no earlier than February 1, 2024.

Defendant has moved for compassionate release under 18 U.S.C. §.3582(c)(1)(a)(i)(ECF 97) but has not made a motion for reduction in his sentence under Amendment 821 but would appear eligible to do so, The Probation Department has issued a report indicating Defendant is eligible for a reduction.

The Court hereby deems defendant's motion for compassionate release amended also to include Amendment 821 grounds.

Pursuant to the standing order of the Chief Judge of this District, Federal Defenders of New York is appointed to represent defendant on the motion, as amended.

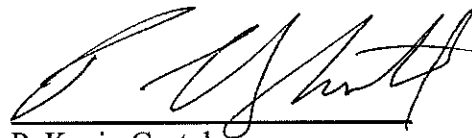
IT IS ORDERED that no later than December 4, the Government shall file a statement of its position on the motion as amended.

IT IS FURTHER ORDERED that the Defendant shall file its response, if any, no later than December 18, 2023.

The tight schedule is necessitated by the defendant's early release date. The Court's intention, unless it orders otherwise, is to resolve this motion based on the parties' written submissions.

SO ORDERED.

Dated: New York, New York
November 16, 2023

A handwritten signature in black ink, appearing to read 'P. Kevin Castel', is written over a horizontal line.

P. Kevin Castel
United States District Judge

cc: Jennifer Brown, Esq., Federal Defenders of New York
Serefino Mendoza